

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**

**STANDING HEARING OFFICER DIRECTIVE**

**DOCKET NO. 2023-15-E, 2023-16-E, and 2023-17-E ORDER NO. 2022-46-H**

**MAY 9, 2022**

**STANDING HEARING OFFICER:** C. Jo Anne Wessinger Hill

**DOCKET DESCRIPTION:**

[DOCKET NO. 2023-15-E](#) - Dominion Energy South Carolina, Incorporated's 2023 Avoided Cost Proceeding Pursuant to S.C. Code Ann. Section 58-41-20(A)

[DOCKET NO. 2023-16-E](#) - Duke Energy Carolinas, LLC's 2023 Avoided Cost Proceeding Pursuant to S.C. Code Ann. Section 58-41-20(A);

[DOCKET NO. 2023-17-E](#) - Duke Energy Progress, LLC's 2023 Avoided Cost Proceeding Pursuant to S.C. Code Ann. Section 58-41-20(A)

**MATTER UNDER CONSIDERATION:**

Questions from Commissioners for prospective and qualified independent third-party consultants and experts.

**CHIEF HEARING OFFICER'S ACTION:**

Pursuant to the revised procedural schedule in Commission Order No. 2022-337, please find listed below questions from Commissioners for prospective and qualified independent third-party consultants and experts:

**Consultant Interview Questions**

**(Please be advised that the Commissioners may ask additional questions.)**

**Provide a brief opening statement of who you are, your work background, and your qualifications. Assure the Commission that you are a qualified independent expert.**

**Questions**

- 1) Have you ever appeared before the Public Service Commission of South Carolina as a party or as a consultant, witness, or representative for a party? If so, which party, where, and what docket?**
- 2) Have you ever been employed or retained as a consultant for Duke Energy Carolinas, Duke Energy Progress, or Dominion Energy or any of their affiliates? If so, when, and where and what were the terms and monetary amounts of the contracts?**
- 3) Have you or your employees, associates, contractors, or partners ever been**

retained to represent investor-owned public utilities in South Carolina. If so, when, and where and what were the monetary amounts of the contracts?

- 4) Do you or members of your immediate family, partners, or associates own stock in Duke Energy Carolinas, Duke Energy Progress, or Dominion Energy. If so, in whose name are the certificates titled and how many shares do they own?
- 5) Do you have any reason to believe that you cannot serve as a fair, impartial, or independent consultant for any of these dockets?
- 6) Do you have any ongoing business dealings with the parties in these dockets? If so, what are they? Do you have any ongoing business dealings with the parties in Docket Nos. 2021-88-E, 2021-89-E, or 2021-90-E? If so, what are they? Please note the Public Service Commission of South Carolina does not know all the parties which may intervene in the future in Docket Nos. 2023-15-E, 2023-16-E, and 2023-17-E.
- 7) Are you currently in any negotiations to represent any of the parties before a Public Service Commission or Public Utilities Commission? If so, what are they? Are you currently in any negotiations to represent any of the parties from Docket Nos. 2021-88-E, 2021-89-E, or 2021-90-E? If so, what are they? Please note the Public Service Commission of South Carolina does not know all the parties which may intervene in the future in Docket Nos. 2023-15-E, 2023-16-E, and 2023-1-E.
- 8) Do you hold any licenses, degrees, designations, or credentials that qualify you as an expert in this field (electric utility matters)? If so, when, and where did you earn these credentials?
- 9) Are you a member of any utility-related trade groups or organizations? If so, what are they?
- 10) Can you provide a final written proof of a conflicts check from your firm?
- 11) If you are hired as a consultant, are you willing to abstain from any unauthorized *ex parte* contact with current or future parties in these dockets?
- 12) Are you aware of any reason that you or your firm should not serve as an independent expert in these dockets?
- 13) What is your schedule for project completion?
- 14) What are your estimated hours per task and estimated total labor hours?
- 15) What are your estimated total costs?
- 16) Relative to the requirements of Act 62 and relative to avoided costs, what information does the Commission need to receive from your firm?
- 17) Do you or your firm contribute to Political Action Committees? If so, please identify them.
- 18) Is there anyone who currently works for your organization who worked for a public utility or solar company in the past?
- 19) Is there anyone who worked for your organization in the past who currently works for a public utility or solar company?
- 20) Is there anyone associated with your organization who has any affiliation with a public utility or solar company?

**For Attorneys Only**

- 21) Are you associated with any matters pending before the Public Service Commission of South Carolina now, or have you in the past?
- 22) Where are you licensed to practice law?
- 23) If you are a member of the Bar, are you in good standing with the Bar Association?
- 24) Have you ever appeared before any Public Service Commission or Public Utilities Commission as the attorney of record? If so, when, and where?
- 25) Have you ever worked for any Public Service Commission or Public Utilities Commission? If so, when, and where?
- 26) Have you ever been disciplined by the State Bar or Courts where you were or are admitted to practice law? If so, provide the circumstances of why you were disciplined and the outcome.

**Subject Matter Questions**

- 27) Have you ever drafted purchase power agreements? If so, when, and where and please explain your experience and the energy source involved.
  - a) Explain how wind focused avoided cost or other energy sources not commonly found in South Carolina may be relevant in South Carolina.
- 28) Have you ever drafted commitment to sell forms? If so, when, and where and please explain your experience.
- 29) Please describe your experience with avoided costs and avoided costs methodologies. Please include specific information such as the timeframe and for what purpose including the state where this occurred and your opinion of this relevance to South Carolina.
- 30) Do you have any experience drafting data requests or discovery? If so, when, and where and please explain your experience.
- 31) Given the schedule and what you understand now about this work please describe the work you would propose to do, the team members who would be responsible for this work and their specific competencies to do this work.

**Process Competency**

- 32) The selected consultant will need to read pleadings, discovery, and pre-filed testimony and listen to testimony from the hearing to inform their analysis. Please describe and discuss your team's experience in similar situations with a schedule and how you will undertake this work.
- 33) Describe the approach and experience of your team's role to the Commission regarding your team's ability to
  - a. listen to testimony – absorbing new information and identifying any data requests for additional information
  - b. provide testimony – addressing critical and relevant data to arrive at fair avoided costs
  - c. provide a clear written report regarding recommendations for fair

avoided cost (might be covered in b) which will be easily understood by Commissioners and staff.

- 34) As pertinent – how is your team equipped to undertake this work given the Commission’s schedule?
- a. what are the benefits of awarding all contracts to your firm?
  - b. what are the benefits of awarding only one contract to your firm?
- 35) Describe your experience meeting the following elements of the scope:
- a) respond to discovery,
  - b) be deposed,
  - c) cross-examined and
  - d) testify.

**Methodology/Modeling**

- 36) Do you as a prospective consultant have the ability to replicate the modeling in- house?
- 37) Or would the modeling have to be outsourced to another entity?
- a. If outsourced, then who or what entity would perform the modeling?
  - b. What is the experience of that person/entity who might run the modeling, and does that person/entity have any conflicts in these dockets?
- 38) Or would the prospective consultant ask the utility to re-run modeling with the consultant’s inputs?
- 39) If the prospective consultant has to outsource the modeling to a third party or require the utility to re-run the modeling using provided inputs, how can the prospective consultant ensure the modeling was done correctly?
- 40) Does the prospective consultant have the ability to review what the utility has done with respect to methodology and/or modeling and render an opinion if the work was performed correctly?
- 41) Does the prospective consultant have the ability to replicate the modeling performed by the utility to review for accuracy/correctness?
- 42) Does the prospective consultant have the ability to render an opinion?

This ends the Hearing Officer’s Directive.